

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

IN RE:	* CHAPTER 13
SHELTON TERRELL DOWD	* CASE NO. 15-06667-dd
AKA SHELTON T DOWD	*
AKA SHELTON DOWD	*
Debtor.	*
BRIAN CANADY	*
Co-Debtor.	*

MOTION TO MODIFY CO-DEBTOR STAY

One Pine VIII, LLC, as serviced by Statebridge Company, LLC (“Movant”), a secured creditor of the above Debtor, hereby moves this Court for relief from the Co-Debtor Stay of 11 U.S.C. §1301(c) for modification of the automatic stay as to a Co-Debtor in this case on the following grounds :

1. Shelton Terrell Dowd, (hereinafter “Debtor”) filed a Petition for Relief under Chapter 13 of the Bankruptcy Code on December 16, 2015.
2. Pamela Simmons-Beasley is the appointed Chapter 13 Trustee for the case.
3. The Trustee of the Debtor's estate may claim an interest in the property which is the subject of this action.
4. Movant is the holder of a secured claim against the Debtor. Brian Canady (“Co-Debtor”) executed the Note and Land Contract/Contract for Deed along with Shelton Terrell Dowd and therefore may have an interest in the subject property.
5. Movant, which is suffering irreparable harm and injury by the continuation of the co-debtor stay, is therefore entitled to a lifting of the automatic stay as to the co-debtor, Brian Canady, for collection of the debt in question herein.

WHEREFORE, pursuant to 11 U.S.C. §1301(c), Movant prays that this Court issue an

Order modifying the automatic stay to permit actions against the Co-Debtor, Brian Canady, with regards to its secured claim against the debtor.

Respectfully submitted,

/s/ Elizabeth Polk

Elizabeth Polk (ID #7124)
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NOTICE OF MOTION/APPLICATION AND OPPORTUNITY FOR HEARING

PLEASE TAKE NOTICE THAT One Pine VIII, LLC, as serviced by Statebridge Company, LLC ("Movant") has moved for modification of the 11 U.S.C. §1301 stay against the co-debtor (who has not filed for relief under the Bankruptcy Code) named in the attached Motion.

TAKE FURTHER NOTICE that any response, return and/or objection to the Motion, should be filed with the Clerk of the Bankruptcy Court no later than fourteen (14) days from service of the Motion and a copy simultaneously served on all parties in interest.

TAKE FURTHER NOTICE that no hearing will be held on this Motion unless a response, return and/or other objection is timely filed and served, in which case, the Court will conduct a hearing on:

DATE: May 9, 2016

TIME: 2:00 PM

LOCATION: 1100 Laurel Street, U.S. Bankruptcy Courthouse, Columbia, SC 29201

No further notice of this hearing will be given.

Date of Service: April 12, 2016

Movant: One Pine VIII, LLC

Attorney: /s/ Elizabeth Polk
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CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that a copy of the foregoing Motion for Relief from Co-Debtor Stay, Notice of Motion, and Certificate of Service were mailed by first class mail, postage pre-paid, or served electronically via the Court's CM/ECF system, this 12th day of April, 2016, to the parties listed below:

Jason T. Moss
816 Elmwood Avenue
Columbia, SC 29201
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Attorney for Debtor

Pamela Simmons-Beasley
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Chapter 13 Trustee

Office of the U.S. Trustee
1835 Assembly Street
Suite 953
Columbia, SC 29201
USTPRegion04.CO.ECF@usdoj.gov
U.S. Trustee

and by standard first class mail postage prepaid to:

Shelton Terrell Dowd
4443 Bethel Church Road
Apt. 53
Columbia, SC 29206
Debtor

Brian Canady
4443 Bethel Church Road
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Co-Debtor

/s/ Kelsey Whitley
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